



An  
Bord  
Pleanála

## Inspector's Report ABP 312872-22.

### Development

Part demolition of rear wall and roof, erection of part first floor, part two storey extension at rear of terraced house to include a ground floor rooflight and two first floor rooflights.

### Location

No 49 Grosvenor Lane, Rathmines, Dublin 6.

### Planning Authority

Dublin City Council.

### P.A. Reg. Ref.

WEB 5149/21

### Applicant

David Ryan.

### Type of Application

Permission.

### Decision

Grant Permission

### Type of Appeal

First Party

### Appellant

David Ryan

### Date of Site Inspection

23<sup>rd</sup> April, 2022.

### Inspector

Jane Dennehy

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## **1.0 Site Location and Description**

- 1.1. The application site and adjoining site at No 50 Grosvenor Lane appear to be that of a former building facing onto and with access from Grosvenor Lane at the rear of No 49 Leinster Road which is a corner site property. There is random rubble stone walling along the side boundary of the property at Leinster Road which adjacent to a grass track between it and walling along the public road frontage. The track extends through to Grosvenor Place and there is open access at both ends. The existing building is a cut stone faced two storey building with a pitched slated roof and small ground floor single storey extensions. It is subdivided into a pair of two storey dwellings with rear gardens formed from the original rear garden of the house on Leinster Road.
- 1.2. The application site and adjoining site at No 50 Grosvenor Lane appear to be that of a former building at the rear of No 50 Leinster Road which is a corner site property. The existing building is a cut stone faced two storey building with a pitched slated roof and small ground floor single storey extensions. It is subdivided into a pair of two storey dwellings.
- 1.3. There is a concurrent application and appeal before the Board for partial demolition of the existing rear wall and roof of the dwelling and for construction of a part first floor, part two storey extension at the rear and inclusion of two rooflights at first floor level and one rooflight at ground floor at the adjoining mews property at No 50 Grosvenor Lane. (P. A. Reg. Ref. WEB/5148.21. PL 312871 refers.)
- 1.4. The lane is characterised mainly on both sides by mews type development formed from subdivision of the rear gardens of the houses on Leinster Road and on Grosvenor Square.

## **2.0 Proposed Development**

- 2.1. The application lodged with the planning authority indicates proposals for partial demolition of the existing rear wall and roof of the dwelling and for construction of a part first floor, part two storey extension at the rear and inclusion of two rooflights at first floor level and one rooflight at ground floor.

### 3.0 Planning Authority Decision

#### 3.1. Decision

By order dated, 26<sup>th</sup> January, 2022, the planning authority decided to grant permission subject to conditions which include the appealed condition, No 2 (i) and (ii)

Condition No 2 (i) has requirement for reduction in depth of the proposed dwelling by 1.5 metres.

Condition No 2 (ii) has requirements for (a) the first-floor rear elevation window to be “substantially reduced in size” to reduce the level of overlooking and, (b) for the side north east facing widow at first floor level into the extension to be fitted with obscure glazing. The reason provided is: *“In the interest of the proper planning and sustainable development of the area.”*

The other conditions are of a standard nature.

#### 3.2. Planning Authority Reports

- 3.2.1. The planning officer according to his report indicated concerns about the scale of the proposed extension and as to potential for precedent for further similar development in the area.
- 3.2.2. The recommended requirement for this concern to be addressed is by the reduction in depth by 1.5 metres. In addition, there is a recommendation for a requirement for a reduced size for the windows at first floor level in the rear façade and for the obscure glazing to the east side at first floor in the extension, to address potential for overlooking, be dealt with by condition.

#### 3.3. Third Party Observations

- 3.3.1. Submissions was lodged by two parties indicating concerns as to overbearing impact and obstruction of natural light at Nos 48A Grosvenor Lane and 48 Leinster Road and about the scale and proportions of the proposed extension and windows proposed for the façade.

## 4.0 Planning History

**P.A. Reg. Ref 3394/15:** Permission was granted for a first-floor extension with a stated floor area of sixteen square metres, internal alterations widows and elevation changes. at the rear and internal alterations, new windows and change to the elevations of the existing dwelling. (The grant of permission remains extant because the duration was extended for an additional period of five years.) The permitted development would extend three metres beyond the rear building line of the existing dwelling at first floor level into the rear garden. Angled windows at the rear were included as means of avoidance of overlooking of adjoining property.

## 5.0 Policy Context

### 5.1. Development Plan

- 5.1.1. The operative development plan is the Dublin City Development Plan, 2016-2022 according to which the site comes within an area subject to the zoning objective: Z2 *“to protect and or improve the residential amenities of residential conservation areas.”*
- 5.1.2. For ‘Z2’ zoned lands, the indicative site coverage is 45% and the indicative plot ratio is 0.5-2.0 according to section 16.5
- 5.1.3. Policy Objective CHC4 and section 11.1.5.4 provide for protection of the special interests and character of all Conservation Areas with new development being required to contribute positively and to enhance the character, appearance and setting of the area where possible.
- 5.1.4. Policy Objective QH 8 provides for favourably consideration of higher density development on vacant and underutilised sites which respects the urban design and established character of development in the area.
- 5.1.5. Development management standards are in chapter 16. Residential quality standards are in section 16.10.2 and 16.10.3, and Standards for mews lane development are set out in section 16 10.16.

Section 17.2 and Appendix 17 provide guidance of development of extensions.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

- 6.1.1. A first party appeal has been lodged against condition No 2 (i) in which there is requirement for reduction in depth by 1.5 metres. And Condition No 2 (ii) in which there is a requirement for the first-floor rear elevation window to be “substantially reduced in size” to reduce the level of overlooking and, for the side north east facing widow at first floor level into the extension to be fitted with obscure glazing.
- 6.1.2. It is requested that the appeal be considered under the provisions of section 139 of the Planning and Development Act, 2000 as amended.
- 6.1.3. With regard to condition No 2 (i) it submitted that:
- The requirement for the 1.5 metres separation distance to be provided is unreasonable. It is stated that Nos 48 Leinster Rod and 48A Grosvenor Lane are a single property with No 48A which is a garage and not a dwelling adjoins No 49. Nevertheless, the proposed extension is offset from the side boundary and a recess is created to reduce impact on No 48.
  - As indicated in the shadow study at which only a small area of the bottom of the rear garden would be overshadowed due to its southerly orientation and no overshadowing of the house at No 49 would occur.
  - Nineteen metres separation distance is between No 49 Leinster Road and No 49 Grosvenor Lane and as indicated in section 16.10.16 of the CDP the twenty-two metres separation distance requirement can be relaxed for mews developments.
  - The extension, which is modest in size at forty square metres in floor area would, in increasing the size, enhance the dwelling and improve its long-term viability. The requirement for the 1.5 metre setback would have little or no benefit but would reduce the viability and quality of the dwelling in that a study and dressing room area is to be omitted.
  - It is not accepted that the proposed development would set undesirable precedent and precedent has no relevance or relevance to inclusion of the condition There is considerable precedent for extensions of the nature

proposed within the area at Nos 66, 67, 70 and 81, Grosvenor Lane. They have considerably greater depth than the 13.3 depth of the proposed dwelling. There are several larger extensions at Mount Drummond Square, Rathgar Avenue and Morehampton Road, details of which have been provided.

It is requested that Condition No 2 (i) be omitted.

6.1.4. With regard to condition No 2 (ii)

- There are substantial trees along the boundary between the rear of the application site and the rear boundary of the garden at No 49 Leinster Road. In warmer months when the garden is more frequently used the trees would be in full leaf and the line of sight from the first-floor window is the same irrespective of the size of the window. The reduction in size required would both detract from the architectural quality of the structure and adversely affect the quality of the internal space within it.
- The extension proposed at the existing and adjoining property (at No 49 Grosvenor Lane) would not adversely affect each other.
- The scale, proportions and composition of the windows were very carefully considered in the design process and substitution of small windows at first floor level would create a 'top heavy' appearance detracting from the quality of the development. The solid to void ratio lightens the appearance and reduces the visual presence of the extension in views from the rear garden of No 48 Leinster Road. The requirement for reduction in window size would negatively affect the proportions in the façade design, detract from the architectural quality of the building and would affect the internal space.
- The requirement for obscure glazing of the north east facing side window is fully acceptable to the applicant.
- In the event that the case made in the appeal is not accepted, the applicant would be willing to accept a compromise whereby obscure glazing could be

fitted to the opening section of the main window for the bedroom to further reduce scope for overlooking of No 48 Leinster Road.

- If it is decided that Condition No 2 (ii) is to be retained it is requested that in lieu of a requirement for reduction in window size, it be revised so that it is stipulated that obscure glazing or other means of obscuring visibility be fitted to the opening segment of the east window at first floor level and to the side, north facing window at first floor level in the new extension.

## 6.2. Planning Authority Response

There is no submission from the planning authority on file.

## 7.0 Assessment

- 7.1. No 49 Leinster Road is a large nineteenth century house, the historic plot of which extends through to Grosvenor Lane a service lane where there is a two-storey pitched roof building with a single storey projection at ground level. This building which is subdivided into two dwellings, Nos 49 and 50 Grosvenor Lane are subject of the two concurrent applications and appeals. The rear original rear garden of No 50 Leinster Road has been subdivided and the space to the rear of two dwellings has also been subdivided to form separate rear gardens.
- 7.2. The application lodged with the planning authority and its assessment and decision to grant permission have been reviewed. Bearing in mind the prior grant of permission under P. A. Reg. Ref, 3394/15, the duration of which has been extended for a five-year period to 2025, it is agreed that consideration *de novo*, (as the application had been made to the Board in the first instance) is unwarranted. It is therefore considered reasonable to determine the appeal in accordance with the provisions of section 139 of the Act.
- 7.3. As such, the requirements, (for which compliance submissions are to be made), are - under Condition No 2, (i) for a reduction depth of the development by 1.5 metres and, under Condition No 2 (ii) for the first-floor rear elevation window to be “substantially reduced in size” to reduce the level of overlooking. The reason provided is: *“In the interest of the proper planning and sustainable development of the area.”*



Condition No 2, (i)

- 7.4. The existing building has a relatively shallow depth having regard to the form of original buildings at rear of the plots of nineteenth century properties. The proposed first floor extension is excessive in massing and proportion and as such alters this form and the relationship with the main dwelling. This is clearly evident in the side application drawings. The 1.5 metres reduction in the depth is warranted on that it limits the impact of the proposed first floor extension in scale and form so that it does not cause undue impact on the integrity and context of the mews and main building and consequent visual conspicuousness, the proposed extension being visible from west and south within the public realm. The case made in the appeal in support of the scale and form visual presence in the street is not at issue is not accepted.
- 7.5. With regard to overshadowing, it is agreed that no undue overshadowing of the rear garden and rear facing windows of the house at No 49 Leinster Road is not a concern. A shadow study has been provided in the application. There are some semi mature coniferous trees at the boundary with the remaining private open space of the main house which when in leaf and more mature could cast shadow over the southern end of the rear gardens.
- 7.6. The first-floor extensions provide for two, three-bedroom dwellings at Nos 49 and 50 Grosvenor Lane. While the concerns about dressing room storage space which the applicants may wish to omit should the appeal against Condition No 2 (i) be unsuccessful, it is not agreed that the dwellings would be rendered unviable as a result.
- 7.7. It is considered that the reduction in depth required under Condition No 2 (i) in the case of both No 49 and 50 Grosvenor Lane is warranted and that this requirement should not be omitted.

Condition No 2 (ii)

- 7.8. It is noted that the proposed rear, south facing windows for the two extensions which are full length and are just above the finished floor level and circa 2000 mm in length x 2000 mm and 2000 in length x 900 mm. These windows would give rise to considerable overlooking and to perceptions of overlooking from rear of the at main house at No49 Leinster Road and the adjoining house at No 48 and other Leinster Road properties in the immediate vicinity to a lesser degree. Incorporation of

obscure glazing an option proposed in the appeal would not be sufficiently effective in overcoming perceived overlooking. Furthermore, it is not agreed that trees planted at the boundaries can be accepted as being a suitable means of screening.

- 7.9. The extent of glazing in the form of the proposed windows, would also be visually prominent and conspicuous in impact within the context of the dwellings and main house.
- 7.10. It is also noted these windows would also give rise to reciprocal overlooking of the rear gardens of the applicants' properties on Grosvenor Lane. As such it is agreed with the planning officer that these windows are not acceptable.
- 7.11. It is agreed with the planning officer that smaller windows are required, and it is also noted that 'angled' windows were proposed in the application for the previously permitted extension.
- 7.12. It is recommended that it be decided that Condition No 2(ii) be revised so that is specific as to window size to provide for greater clarity.

**7.13. Environmental Impact Assessment Screening**

Having regard to the nature of the proposed development and its location in a serviced inner suburban area removed from any sensitive locations or features, there is no real likelihood of significant effects on the environment. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

**7.14. Appropriate Assessment Screening.**

Having regard to the location and to the nature of the proposed development in a serviced inner suburban area in the city, no Appropriate Assessment issues arise. The proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## 8.0 Recommendation

Given the foregoing it is recommended that the planning authority be directed to attach revised conditions as set out below and based on the reasons and considerations which follow: -

## 9.0 Reasons and Considerations

Having regard to existing and permitted development in the area and to Dublin City Development Plan, 2016-2022 according to which the site location is within an area subject to the zoning objective Z2 *“To protect and or improve the amenities of residential conservation areas.”* (Residential neighbourhoods / Conservation Areas it is considered that the proposed first floor extension by reason of the mass and depth and size and full length, and extent of glazing would be:

(a) visually obtrusive and conspicuous and out of character and proportion with the existing building and within the context of the relationship with the main building at No 49 Leinster Road and,

(b) would give rise to an undue degree of overlooking of the windows on the rear facades and rear private open space of No 49 Leinster Road and surrounding properties on Leinster Road.

As a result, the proposed development would seriously injure the visual amenities and integrity of the residential conservation area and would seriously injure the residential amenities of adjoining properties. The proposed development would therefore be contrary to the proper planning and development of the area.

### **Revised Condition.**

The development shall be amended as follows:

(a) the first-floor extension shall be reduced in depth by a minimum of 1.5 metres.

(b) The rear elevation windows shall be reduced in size to a maximum of 1200 mm x 1200 mm and shall be positioned above a minimum cill height of one metre above the finished floor level.

Prior to the commencement of the development, the applicant shall submit and agree in writing, revised plan, section and elevation drawings with the planning authority.

**Jane Dennehy**

Senior Planning Inspector

24<sup>th</sup> April, 2022.